

228599
228601
228603

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-6 (Sub-No. 463X)

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,
WASHINGTON
(Redmond Spur, MP 0.00 to MP 7.30)**

STB Docket No. AB-6 (Sub-No. 465X)

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,
WASHINGTON
(Woodinville Subdivision, MP 11.25 to MP 23.80)**

STB Finance Docket No. 35407

**GNP RLY INC. – ACQUISITION AND OPERATION EXEMPTION – REDMOND SPUR
AND WOODINVILLE SUBDIVISION – VERIFIED PETITION FOR EXEMPTION
PURSUANT TO 49 U.S.C. § 10502**

**MOTION OF KING COUNTY, WASHINGTON FOR LEAVE TO FILE A REPLY TO
GNP RLY'S REPLY TO COMMENTS OF KING COUNTY REGARDING
PETITIONS OF GNP RLY INC.**

Communications with respect to this pleading should be addressed to:

Charles A. Spitulnik
W. Eric Pilsk
Allison I. Fultz
KAPLAN KIRSCH & ROCKWELL LLP
1001 Connecticut Avenue, N.W.
Suite 800
Washington, DC 20036
(202) 955-5600
E-mail: csputulnik@kaplankirsch.com
E-mail: epilsk@kaplankirsch.com
E-mail: afultz@kaplankirsch.com

Counsel for King County, Washington

Dated: January 7, 2011

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-6 (Sub-No. 463X)

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,
WASHINGTON
(Redmond Spur, MP 0.00 to MP 7.30)**

STB Docket No. AB-6 (Sub-No. 465X)

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,
WASHINGTON
(Woodinville Subdivision, MP 11.25 to MP 23.80)**

STB Finance Docket No. 35407

**GNP RLY INC. – ACQUISITION AND OPERATION EXEMPTION – REDMOND SPUR
AND WOODINVILLE SUBDIVISION – VERIFIED PETITION FOR EXEMPTION
PURSUANT TO 49 U.S.C. § 10502**

**MOTION OF KING COUNTY, WASHINGTON FOR LEAVE TO FILE A REPLY TO
GNP RLY’S REPLY TO COMMENTS OF KING COUNTY REGARDING
PETITIONS OF GNP RLY INC.**

King County, Washington (the “County”), hereby moves this Board pursuant to 49 C.F.R. § 1117.1 for leave to file a reply to GNP Rly’s Reply to Comments Of King County Regarding Petitions Of GNP Rly Inc. filed in this proceeding on December 15, 2010 (“GNP Reply”). The County’s proposed Reply to the Reply is submitted herewith. Although the rules governing this proceeding prohibit the filing of a reply to a reply (49 C.F.R. §1104.13(c)), this Board permits parties to a proceeding to file a reply to a reply when that submission “provides a more complete record, clarifies the arguments, will not prejudice any party, and does not unduly

prolong the proceeding. It is within the Board's discretion to permit otherwise impermissible filings . . ." STB Docket No. AB-6 (Sub-No. 468X), *BNSF Railway Company — Abandonment Exemption — In Kootenai County, ID, slip op.*, at 1 (Service Date Nov. 27, 2009).

Granting this motion will not broaden the issues raised in this proceeding, because the County seeks only to correct the record as to matters raised in GNP's Reply. Further, GNP has also filed a motion seeking leave to file a reply to the Reply filed by the County on December 15, 2010. Accordingly, granting this motion will not extend the time required for the Board to address the issues raised in this proceeding and will not otherwise prejudice any party hereto or prolong this proceeding.

Respectfully submitted,



Charles A. Spitulnik
W. Eric Pilsk
Allison I. Fultz
KAPLAN KIRSCH & ROCKWELL LLP
1001 Connecticut Avenue, N.W.
Suite 800
Washington, DC 20036
(202) 955-5600

Counsel for King County, Washington

Dated: January 7, 2011

CERTIFICATE OF SERVICE

I hereby certify that I am providing a copy of the foregoing MOTION OF KING COUNTY, WASHINGTON FOR LEAVE TO FILE A REPLY TO GNP RLY'S REPLY TO COMMENTS OF KING COUNTY REGARDING PETITIONS OF GNP RLY INC. upon the following parties of record by first class mail with postage prepaid and properly addressed:

Tom Carpenter
International Paper
International Place I
6400 Poplar Avenue
Memphis, TN 38197

Kristy D. Clark
David T. Rankin
BNSF Railway Company
2500 Lou Menk Drive
AOB-3
Fort Worth, TX 76131

Matthew Cohen
Hunter Ferguson
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, WA 98101

Don Davis
Master Builders Association of King and
Snohomish Counties
335 116th Avenue SE
Bellevue, WA 98004

John D. Heffner
James H.M. Savage
John D. Heffner, PLLC
1750 K Street, N.W., Suite 350
Washington, DC 20006

Kevin M. Sheys
Nossaman LLP
1666 K Street, NW, Suite 500
Washington, DC 20006

Karl Morell
Ball Janik LLP
1455 F Street, N.W., Suite 225
Washington, DC 20005

Dean Kattler
Waste Management of Washington Inc.
13225 NE 126th Place
Kirkland, WA 98034

Denis Law
City of Renton
1055 South Grady Way
Renton, WA 98057

John F. Marchione
City of Redmond
16532 NE 98th Court
Redmond, WA 98052

Isabel Safora
Port of Seattle
P. O. Box 1209
Seattle, WA 98111

Steve Sarkozy
City Manager
P. O. Box 90012
Bellevue, WA 98009

Kurt Triplett
City of Kirkland
125 5th Avenue
Kirkland, WA 98033

Robert P. vom Eigen
Foley & Lardner LLP
3000 K Street, N.W., Suite 500
Washington, DC 20007

Ernest F. Wilson
17509 NE 38th Court
Redmond, WA 98052

Kathy Cox
Marketing Philharmonic
218 Main Street #668
Kirkland, WA 98033

Mike Bates
Woodinville Lumber, Inc.
15900 Woodinville-Redmond Road, N.E.
Woodinville, WA 98072



W. Eric Pilsk

Dated this 7th day of January, 2011